STATEMENT OF ADMIRAL CATHAL FLYNN, ASSOCIATE ADMINISTRATOR FOR CIVIL AVIATION SECURITY, BEFORE THE COMMITTEE ON COMMERCE, SCEINCE AND TRANSPORTATION, SUBCOMMITTEE ON AVIATION, ON AVIATION SECURITY, APRIL 6, 2000.

Madam Chair, Senator Rockefeller and Members of the Subcommittee:

Thank you for the opportunity to speak with you today on aviation security and the progress we have made since the 1996 Federal Aviation Administration reauthorization legislation in enhancing security of our aviation system. Today I would like to discuss several important security initiatives, including our recent rulemaking effort on the training, performance, and retention of airline security screeners at airports. As directed by legislation passed by this Committee in 1996, the Federal Aviation Administration (FAA) is conducting a rulemaking that would require screening companies to be certified by the FAA. I would like to start by describing this rulemaking and how we expect the training, performance, and retention of airport screeners to improve as a result, and then comment briefly on some of the other elements of our security program.

Let me first emphasize that the threat to our Nation's aviation community has not diminished. It remains a dangerous world. Governments, airlines, and airports must work cooperatively to achieve our common goal: safe and secure air transportation worldwide. The number of incidents worldwide of unlawful interference with civil aviation (primarily hijacking and sabotage) have decreased over the last 20 years, while the number of flights, enplanements and

passenger-miles flown have increased. As graphically demonstrated by the two most recent hijackings, this decrease does not minimize the gravity of these crimes.

The terrorist threat to U.S. civil aviation is higher abroad than it is within the United States. The terrorist attacks against U.S. embassies in Kenya and Tanzania remind us of the global nature of terrorism and the need for everyone to work together to oppose it anywhere in the world. The relationship between Osama bin Laden, who was behind these terrorist attacks, and Ramzi Yousef, who was convicted of bombing the World Trade Center in New York and attempting to place bombs on a dozen U.S. air carrier flights in the Asia-Pacific region in 1995, exemplifies the continuing tangible threat to civil aviation. Only the wholehearted cooperation of our aviation partners thwarted those attacks in the Pacific. Moreover, members of foreign terrorist groups and representatives from state sponsors of terrorism are present in the United States. There is evidence that a few foreign terrorist groups have well-established capability and infrastructures here.

Terrorism is a crime, but the threat to civil aviation is not restricted solely to those motivated by political concerns. We must also prevent other criminal acts, regardless of motivation, to ensure safe and secure air transportation. Given this security threat, since the early 1970's the FAA has required the screening of passengers and property carried aboard an aircraft in order to ensure that no unlawful or dangerous weapons, explosives, or other destructive substances are carried aboard. More recently, in response to the White House Commission on Aviation Safety

and Security and to direction and guidance from this Committee in the Federal Aviation Reauthorization Act of 1996, the FAA developed a proposal to improve screening efforts, which we published in early January. I would like to briefly describe its development and purpose.

On March 17, 1997, the FAA published an Advance Notice of Proposed Rulemaking (ANPRM), to certify screening companies and improve the training and testing of security screeners through the development of uniform performance standards. On the basis of the comments received as well as internal deliberations, the FAA determined that the critical element in screener certification is having a reliable and consistent way to measure actual screening performance. After evaluation and consultation, we decided to add more specific screening improvements to the proposed rule based on the use of new technology called threat image projection (TIP) systems. Consequently, in May 1998, we withdrew the ANPRM in order to focus our rulemaking efforts on TIP systems.

A TIP system electronically inserts images of possible threats (e.g., a gun, knife, explosive device) on x-ray and explosives detection system monitors as if they were within a bag being screened. Its purpose is to provide training, keep screeners alert, and measure screener performance. High scores in detecting TIP images equate to a high probability of detecting actual bombs. Not only can TIP data be potentially used to assess screener performance over time, the results can also be used to analyze any correlation between performance, experience,

and compensation.

FAA field agents performed special evaluations using test objects in coordination with TIP data gathering to see if the data correlated. We conducted these preliminary tests of the prototype TIP x-ray systems and analyzed data from the fall of 1998 to January 1999, whereupon we concluded that TIP was potentially an effective and reliable means to measure screener performance. We will continue to seek comment and closely monitor TIP's capabilities in an operational environment, making necessary adjustments as we gain more experience with this technology.

Our determination of TIP's reliability enabled us to move forward on the rule. On January 5, 2000, FAA issued a Notice of Proposed Rulemaking (NPRM) which requires the certification of all screening companies, specifies training requirements for screeners, sets standards for screening passengers and cargo, and establishes requirements for the use of screening equipment. The NPRM would require screening companies to adopt FAA-approved security programs and would require carriers to install TIP systems on all their X-ray and explosive detection systems. We held a public listening session on the proposed rule at FAA headquarters on March 10, one in San Francisco earlier this week and one in Fort Worth this morning. All public comments are due by May 4th.

Our proposed rule also requires that all screening companies adopt and implement FAA-

approved screening security programs that include procedures for performing screening functions, including operating equipment; screener testing standards and test administration requirement; threat image projection standards, operating requirements, and data collection methods; and performance standards. In addition, all screening personnel would have to pass computerized knowledge-based and X-ray interpretation tests before and after their on-the-job training and at the conclusion of their recurrent training. These tests would be monitored by air carrier personnel in accordance with the air carriers' security programs. We hope to issue a Final Rule on certification of screening companies in May 2001**.**

The 1996 Reauthorization Act also directed the FAA to conduct a study and report back to Congress on the possibility of transferring certain air carrier security responsibilities to either airport operators or to the Federal Government, or to provide for shared responsibilities. We completed the study and submitted it to Congress in December 1998, after extensive research, taking into account the results of several commissions, studies and working groups, and concluded that there is a consensus in the aviation community to retain the current system of shared responsibilities for security. We found that, while there is significant support for more Federal Government involvement and funding, there is little support for the Government's assuming all air carrier responsibilities. The existing partnership, where the Government sets goals and works with the industry to see that those goals are met, is universally supported.

Our study also concluded that the current system achieves an appropriate balance of

responsibilities. While carriers should not have to bear all the costs of security, they should bear a substantial portion of the personnel costs to provide security screening and the operational costs of using the advanced security equipment that the Federal Government provides. At the same time, the Federal Government should continue to control the quality of aviation security and security screening by setting higher, but realistically achievable, standards for screener selection, training, and performance.

Screeners are a critical link in the performance chain. While it is difficult to verify a correlation between better pay and better performance, we can all agree that properly trained and qualified people who are on the job longer tend to perform better. Government sets performance, not design, standards. The government can indirectly influence private sector pay through higher performance standards that require more training, and more investment in individuals who do it well.

To help improve screener performance at the checkpoint, data collection and evaluation of automated screener assist x-rays---SAX---for carry-on bags was conducted last year as part of the National Safe Skies Alliance (NSSA). NSSA's creation in 1997 led to the establishment of a national test bed at McGhee Tyson Airport in Knoxville, Tennessee for operational evaluation and testing of newly developed technologies emphasizing checkpoint screening. The NSSA is a consortium of organizations including Oak Ridge National Laboratory, the Metropolitan Knoxville Airport Authority, the Minneapolis-St. Paul Metropolitan Airports

Commission, the University of Tennessee, Embry-Riddle Aeronautical University, the Tennessee Air National Guard, the Honeywell Corporation, and a number of other private companies and public bodies. Their work includes the development of the best configurations and strategies to integrate security equipment into the airport environment in the most effective way. In addition, other aviation security research and development projects will also be conducted at this test bed.

Although most security personnel are hardworking and conscientious, there is always room for improvement in the performance of airline screening responsibilities for both checked baggage and at the checkpoint. Screeners can always be better trained and motivated. There is also room for improvement by FAA personnel to provide clearer, more easily understood guidance on the proper use of equipment. Working together, I expect that improvements in these areas will be achieved.

For good and effective performance, screeners must be given the best tools available to do the job, and must be trained to use them properly. Foremost among these tools are explosives detection systems (EDS). The Aviation Security Improvement Act of 1990 required that FAA certify EDS based on tests designed to validate their ability to detect, without human intervention, the amounts and types of explosives likely to be used by terrorists to cause catastrophic damage to commercial aircraft. Certification standards were published in 1993. We believe the performance criteria are tough, but appropriate.

EDS installation and utilization remain among our greatest concerns. Deployed EDS must be factory tested, shipped, installed, and tested on site. The level of cooperation and ease of obtaining the appropriate permits varies from city to city, and from airport to airport. Operators must be trained and certified before the system becomes operational.

It can take anywhere from three weeks to two months to make an EDS operational depending upon its location in an airport, the experience of airport personnel, the complexity of the installation, the training levels of screeners, and other variables noted in each site survey. In addition, some airports simply have no room for an EDS. Less complicated installations, not requiring complex reconfigurations of baggage processes, major renovation or new construction were done first. We have now completed nearly all of these installations and have started work on the more complex, and often more expensive installations, some of which may take two or more years to complete.

Regarding utilization, the Department of Transportation Inspector General (DOT IG) reports that over 55 percent of the EDS in use are screening fewer than 225 bags per day, and that some machines are screening fewer than 100 bags per day. During 1999, the average number of selectee bags scanned ranged from 1635 to 1927 bags per week per machine, or an average of 234-275 selectee bags screened per day per machine. The range of averages is due primarily to normal traffic changes throughout the year and the fact that additional machines have

been brought on line during each quarter for which data was collected. EDS screened more than 5.45 million bags during 1999.

We do not believe these numbers indicate *under*-utilization of equipment. Rather than focusing on the number of bags screened by each machine, the more pertinent inquiry is what per cent of selectee bags are being screened? The answer to that question is 100% wherever EDS are deployed. This perspective is consistent with the focused approach to security FAA has adopted, an approach that was subsequently endorsed by the White House Commission on Aviation Safety and Security.

FAA security procedures are intended to concentrate on a smaller segment of passengers, using parameters developed within the counterterrorism community and reviewed by the Department of Justice (DOJ). DOJ found that the Computer-Assisted Passenger Prescreening System (CAPPS) used to identify selectees is nondiscriminatory; does not violate the Fourth Amendment prohibition against unreasonable searches and seizures; and does not involve any invasion of passengers' personal privacy. To further ensure that the CAPPS program is carried out in a non-discriminatory manner, we have proposed in our NPRM that airline and contractor security personnel receive civil rights and customer relations training. Further more, DOT, with the assistance of the Department of Justice, will be conducting a study in the next year to ensure that members of minority groups are not disproportionately affected in an unlawful manner in the security screening process.

CAPPS allows us to focus on a manageable population of passengers. Until we have the technology to screen all checked bags with EDS without causing intolerable delays in processing departing passengers, we must continue to focus intelligently on a smaller segment of the bags. In the meantime, we will continue to relocate equipment and foster sharing among carriers to ensure the most effective use of all deployed security equipment. To reach the goal of 100% checked baggage screening by EDS, we are continuing R&D along two paths, both of which will be required to address the diverse configurations of U.S. airports. First, we must develop effective EDS that afford significantly higher throughput (the rate that bags are moved through the equipment) at a cost comparable to that of existing systems, and, second, we must also develop a lower cost EDS with lower throughput for use at smaller stations where the volume of bags is lower.

As part of our overall program of realistic testing of aviation security measures, access control testing has also increased. About 5,000 access control tests have been conducted since March 1999 when the DOT IG provided their initial findings. The final report was released on November 18, 1999. FAA generally agrees with the final report and is aggressively responding to the DOT IG's specific recommendations. We are working with airport operators and air carriers to implement and strengthen existing controls to eliminate access control weaknesses. We are requiring airport operators and air carriers to develop and implement comprehensive training programs to teach employees their role in airport security, the importance of their

participation, how their performance will be evaluated, and what action will be taken if they fail to perform. We are requiring airport operators and air carriers to develop and implement programs that foster and reward compliance with access control requirements, and discourage and penalize noncompliance. We will continue to work with the DOT IG on these important issues.

A particularly intensive round of access control tests started on February 7, 2000, and will continue at some frequency indefinitely. At one point, 1,500 tests were conducted in only two weeks. In the tests we conducted last spring, access control measures stopped 96% of our attempts to penetrate aircraft. Data from the current effort, which was unannounced to industry, shows some improvement. We expect the level of performance to be maintained. Where it is not, we will move quickly to require the airport or air carrier to post guards as necessary to secure the aircraft or doors, an expensive, redundant measure.

The revision of the basic Federal Aviation Regulations for airport and air carrier security under Part 107 and Part 108 that is currently ongoing will include strengthening access controls. For example, individuals will now be more accountable for displaying proper identification and challenging unauthorized persons in restricted areas of the airport. The revision will also permit enforcement action against anyone who enters secured areas without authorization. Previously, enforcement action was taken against the company and not the individual. The rulemaking would make both the individual and the company accountable. The final rule should be

published later this year.

Another area of increasing importance is air cargo. Cargo screening is improving steadily. The cargo security standards for all passenger air carriers and indirect air carriers (air freight forwarders) have been strengthened by narrowing the definition of known shipper and focusing security resources on unknown shippers. In September 1999, changes to U.S and foreign air carrier security programs, and indirect air carrier security programs became effective. In addition, onboard couriers are now required to declare themselves to the air carrier, thus assuring that their bags will be treated as cargo and properly processed.

We have approved cargo security programs for approximately 200 U.S air carriers, 200 foreign air carriers and 3000 indirect air carriers. In FY99, we conducted 1802 comprehensive assessments of air carriers, 1580 comprehensive assessments of indirect air carriers, and 1369 inspections of dangerous goods shippers. We continue to conduct cargo security tests of air carriers using agents to pose as unknown cargo shippers offering packages. These tests indicate substantial industry compliance.

Internationally, FAA assesses the effectiveness of security measures both at foreign airports served by U.S. carriers and also at airports that are a last point of departure by foreign air carriers for service into the United States. Currently the Foreign Airport Assessment Program covers 240 airports in over 100 countries. Since 1995, the FAA has cumulatively conducted

approximately 550 foreign airport assessments. The annual number of assessments fluctuates as air carrier service changes. Our focus is on the need for governments to have the institutional ability to sustain security measures and we continue to work with airports and countries with persistent security deficiencies. In addition, we continuously conduct inspections of U.S. and foreign air carriers at foreign airports with direct service to the United States to ensure compliance with approved security programs. These inspections are more frequent at foreign airports assessed to have a higher overall terrorist threat. During the last four years, we conducted 1,888 foreign and U.S. air carrier station inspections at foreign locations for an average of 472 inspections a year.

Finally, I would like to mention the Federal Air Marshals (FAM's) who protect the traveling public, passengers, and flight crews on U.S. air carrier flights worldwide. Since 1985, the FAM program has provided specially trained, armed teams of civil aviation security specialists for deployment worldwide on anti-hijacking missions. The thrust of the program is 99% deterrence, aimed at disrupting and confusing the planning and will of criminals and terrorists, and 1% response, to be able to assess, meet, and defeat any threat aboard an aircraft. All FAM's are volunteer FAA employees. They undergo sophisticated and realistic initial and recurrent training. We believe that one of the reasons there has not been a hijacking of a U.S. air carrier is the deterrent value of the FAM program. Terrorists considering a hijacking must take the possible presence of FAM's into account. We want the traveling public to know that we can be on any U.S. air carrier anywhere in the world at any time. The passenger sitting next

to you on any flight could be a Federal Air Marshal.

Madam Chair, that concludes my prepared statement. Thank you for the opportunity to testify. I would be happy to answer any questions at this time.